REMARKS

This Rule 116 amendment is in response to the Office Action mailed 09/07/2005 finally rejecting claims 1 – 43 in the application. Claims 1 – 43 are pending in the application. Independent claims 1, 8, 12, 16, 21, 27, 30, 33, 35, 40, 41, and 42 have been amended to more clearly define the scope of the present invention. Based on the amended claims submitted herewith and the arguments set forth, it is requested that the final rejection be withdrawn and this application passed to issuance. If the final rejection is not withdrawn, it is requested that the amended claims be entered for the purposes of appeal from the final rejection

Claim Rejection – 35 USC 102

Claims 1 – 3, 7 – 9, 11 – 13, 15 – 18, 30, - 34, and 37 – 39 stand finally rejected under 35 USC 102(e) as being anticipated by Cromer, US Patent Publication No. 2002/0083323. This rejection is respectfully traversed.

It is a well known principle of patent law that in order for a prior art reference to anticipate it must disclose all of the elements of the claimed invention within its four corners. It is submitted that this is not the case with Cromer. Cromer fails to disclose the following elements of these claims contrary to the assertions of the PTO:

1. T*ransmitting one of signature data from a plurality of different signature data from a remote location to the digital image capture device.* In Cromer, the digital signature of the camera is resident in the camera and is not transmitted to the camera from a remote location. Moreover, whereas in the claimed invention, one of a plurality of different signature data can be transmitted to the digital camera, in Cromer the digital camera signature is always used because the Cromer system always requires identification of the camera which captures an image for legal or other reasons.

2. A*pplying the one of the signature data to the captured digital still image to produce an authentification signature* <u>*without image content*</u> *representative of the captured digital still image.* In Cromer, the camera's digital signature and the captured image are processed to produce an authentification data which <u>includes the image content</u>. The photographer's signature is used to

process this authentification data further to produce a two-layer encrypted data with image content.

3. *Transmitting the authentification signature to a remote location and storing the signature data, the authentification signature without image content and image identification at the remote location, wherein the captured digital still image is not stored at the remote location.* This process is repeated for each of the digital images captured so that this information is stored at the remote location for many captured digital still images. Because image content is not stored at the remote location the storage capacity required is greatly reduced. The examiner attempts to equate the Sport's Illustrated example as disclosing these elements of the claims. This is challenged. According to the claimed invention, the captured digital still images stored in the digital camera can be freely accessed. In Cromer, the digital image is encrypted, and only one knowing the encryption code can access the image as exemplified by the Sport's Illustrated example. " ---- only Sport's Illustrated can view the image." [0026]
One of the problems of prior art authentification of captured still images is solved by the present invention that is not solved by Cromer. Cromer is all about secrecy, whereas the present invention allows free access to a captured image by anyone while at the same time allowing authentification of a captured still image by access to the signature data, authentification signature without image data, and image identification stored at the remote location. The Sport's Illustrated example clearly is not such a remote location called for by the claimed invention.

It is submitted that the claims rejected under 35 USC 102 are clearly novel and nonobvious over Cromer and the final rejection thereof should be withdrawn.

Claim Rejections – 35 USC 103

The rejection of Claim 4 under 35 USC 103(a) as being unpatentable over Cromer is traversed. The PTO's characterization of public/private key as signature data transmitted to the digital image capture device is challenged. In Cromer, the digital signature of the camera was resident in the camera before an image is captured by the camera. There is no suggestion in Cromer that this data is transmitted to the camera after the capture of images. In

fact it would do violence to Cromer's teachings, since the authentification system disclosed relies on tight control over use of the camera and a positive ID of the camera be carried by the camera to assist in such control.

It is submitted that Claim 4 is novel and nonobvious over Cromer and the final rejection thereof should be withdrawn.

The rejection of Claims 10 and 14 under 35 USC 103(a) as being unpatentable over Cromer in view of Schneier is traversed.

The arguments pertinent to Cromer are equally applicable here and will not be repeated. Schneier is cited for disclosing "that encryption, such as secret key encryption, allows an authentification message to be authenticated by the receiver". It is submitted that this reference is inapplicable since it does not disclose use of the secret key encryption in the application presented by the rejected claims. There is no motivation or suggestion in either reference for combining the disclosures thereof, and it is submitted that only through impermissible hindsight is such a combination attempted to be made.

It is submitted that Claims 10 and 14 are novel and nonobvious over the cited references and the rejection thereof should be withdrawn.

The rejection of claims 5, 19, 21 – 25, 27 – 29, 35, 36, 42, and 43 under 35 USC 103(a) as being unpatentable over Cromer in view of Kaplan, US Patent Application Publication No. 2002/0023220 is traversed.

The arguments presented above relative Cromer are equally applicable here and will not be repeated. As pointed out above, there is no disclosure in Cromer of a remote location storing signature data, authentification data without image content and image identification. Thus, the complex hashing system disclosed in Kaplan cannot be combined with Cromer to make obvious the invention of the rejected claims. The complexity and expense of the Kaplan system teaches away from its use in a system defined by the rejected claims which seeks a low cost, minimally complex system for authenticating images. There is no motivation or suggestion in either reference of the desirability of combining their teachings and it is only through impermissible hindsight is such a combination attempted to be made.

It is submitted that the rejected claims are novel and nonobvious over the cited references and the final rejection thereof should be withdrawn.

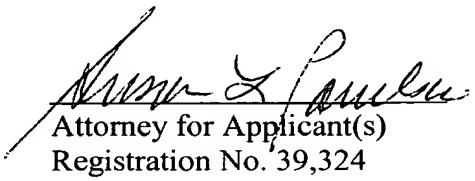
The rejection of claims 6, 20, and 26 under 35 USC 103(a) as being unpatentable over Cromer in view of Lambert US Patent Application Publication No. 2001/0007128 and the rejection of Claims 40 and 41 under 35 USC 103(a) as being unpatentable over Cromer in view of Friedman US Patent 5,499,294 are traversed.

The arguments presented above relative Cromer are equally applicable here and will not be repeated. Schubert is cited for disclosing the sending of a receipt message between first and second secure systems and Friedman is cited for disclosing the encryption of blocks of images. As pointed out above, the Cromer device does not disclose the basic method and system of the invention, so that the addition of the disclosures of these two patents to the Cromer disclosure is neither suggested nor results in the claimed invention.

It is submitted that the rejected claims are novel and nonobvious over the cited references and that the final rejection thereof should be withdrawn and this application passed to issuance.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,



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